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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No.12457 of 1987

The Association of Consulating  
Civil Engineers, a registered  
Society having its office at  
No.172, 10th-B Main Road,  
I Block, Jayanagar, Bangalore-11  
represented by its Secretary  
Dr. N. Ramprakash, r/o Bangalore

120  
..Petitioner

(By Sri H.S. Jois, Advocate)

-Vs-

1. The State of Karnataka  
represented by its Secretary,  
Housing and Urban Development  
Department, Vidhana Soudha,  
Bangalore-1;
2. The Corporation of the City of  
Bangalore, Corporation Offices,  
Bangalore, represented by its  
Commissioner

..Respondents

(By Sri B.V.Muralidhar, Adv., for R2;  
R<sub>1</sub> served)

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Writ Petition is filed praying to call for the records relating to the building bye-laws of 1983 approved by the Govt. of Karnataka vide Annexure-A peruse the same and declare clause IV.3-2 of the Schedule IV to the said bye-law as arbitrary and unconstitutional.

This writ petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

O R D E R

The petitioner, which is an association of consulting Engineers and practising civil Engineers, has challenged clause 3.2 of Bye-law IV of the Building Bye-laws 1983 of second respondent (approved by the first respondent under Section 428 of the Karnataka Municipal Corporations Act, 1976). The said Bye law restricts the competence of Civil Engineers to submit plans and related information in regard to the buildings of plinth area upto 200 Sq.M. and four storeys. In other words, the Registered Civil Engineers will not be entitled to submit plans and related information in regard to any building of a plinth area of more than 200 Sq.M. or four storeys. They have also sought a direction to the corporation not to enforce the said provision.

2. Though the petition was filed on 10-8-1987, and the petitioner sought <sup>an</sup> interim order in regard to operation and implementation of the said clause, no interim order was granted by this Court. Thus it is not in dispute that the said Bye-law is in force continuously for several years till now.

3. When the matter came up to-day, learned counsel for the corporation stated that the Bangalore City Corporation is framing new Building Bye-laws,

RMR

122 ✓

that it has already framed new draft building byelaws as per the revised Zonal Regulations and Comprehensive Development Plan, approved by the State Government, and it will call for objections from the public, before finalising the Bye-laws and getting them approved by the State Government. He stated that if the draft byelaws (revised byelaws) contain any similar provision, it is open to the petitioner to file objections and such objections will be considered by the Corporation before taking a final decision in regard to the new bye laws. He therefore stated that it is unnecessary to consider the validity of clause 3.2 of Bye-law IV at this belated stage, when such Bye-laws are about to be replaced. In view of the above, Learned Counsel for the petitioner stated that the petition may be disposed of, recording the said submission and leaving open all questions and contentions.

4. Hence, leaving open all contentions, and reserving liberty to the petitioner and other aggrieved parties to file objections to the draft Bye-laws, this petition is disposed of.

Sd/-  
JUDGE

pjk/uj

